

REMARKS

Claims 19-20 and 22-36 are pending in this application. Claims 1-46 were previously cancelled. Claims 51-53 and 64 are canceled with this response. Claims 47, 55 and 58 are proposed to be amended. Upon entry of the amendment, claims 47-50 and 54-63 are pending and under active consideration.

No new matter has been added. Applicant respectfully requests entry of the amendment and remarks made herein into the file history of the present application.

1. The rejection under §112, second paragraph should be withdrawn.

The Examiner has rejected claims 50-64 under 35 U.S.C. § 112, ¶2 as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Examiner alleges that the term “less than about” in claims 50-64 is a relative term which renders the claim indefinite.

Applicant has amended the claims to delete the term “about” as suggested by the Examiner. Applicant respectfully asserts that these amendments clarify the claims as required by the Examiner

2. The rejection under §103(a) should be withdrawn

The Examiner has rejected claims 47-51 and 53-64 under 35 U.S.C. § 103(a) as allegedly unpatentable over Virag (USPN 5145852), Kuhrts (US2002/0068365), Fung (USPN 5646181) and El-Rashidy (USPN 6121276).

While strongly disagreeing with the rejections and in no way acknowledging agreement with the Examiner on this matter, Applicants herein amend claim 47 to incorporate the limitations of claim 52 (and intervening claim 51), which the Examiner objected to as being dependent upon a rejected base claim, but which the Examiner acknowledges would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of Applicant’s amendment, the rejections under 35 U.S.C. § 103(a) are moot and may be properly be withdrawn. Applicants hereby request that the rejections be withdrawn.

Conclusion

In view of the above amendments and remarks, Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

HOWREY, LLP

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By: /David W. Clough/
David W. Clough, Ph.D.
Registration No.: 36,107
Customer No.: 22930
Telephone No.: (312) 595-1408

HOWREY LLP
ATTN: Docketing Department
2941 Fairview Park Drive, Suite 200
Falls Church, VA 22042-2924
Facsimile No.: (703) 336-6950